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A.T.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/286,679 04/01/99 SHIRANI

R VN418RI

EXAMINER

LM02/0201

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ART UNIT	PAPER NUMBER
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2732
DATE MAILED:

02/01/00

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/286,679

Applicant(s)

Shirani et al.

Examiner

DANIEL DON

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/01/99
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-52 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-13 and 16-28 is/are allowed.
- ☒ Claim(s) 14-15 and 29-52 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 29, 31, 32, 40, 41 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang et al. (5,121,382).

Yang et al disclose station-to-station full duplex communications in a communication network comprising:

placing first data pulses onto the physical medium the first data pulses indicating a first protocol capability of the first source/sink (see column 2, lines 16-26);

receiving the first data pulses in the second data source/sink (see column 1, lines 27-35);

transmitting onto the physical medium from the second data source/sink, wherein the second data pulses indicate the first protocol capability when the second data source/sink has the first protocol capability, wherein the second data pulses indicate when the second data source/sink has the second capability (see column 3, lines 16-68);

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detecting whether the second pulses indicate the first protocol capability or the second protocol capability (see abstract and column 3, lines 16-68);

establishing communication with the second data source/sink using the protocol if the second data pulses indicate the first protocol capability and using the second protocol if the second data pulses indicate the second protocol capability (see abstract); and

the physical medium being twisted pair (see figure 1).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Nags et al. (4,897,831).

Nags et al disclose a communication network comprising:

receiving over the physical medium (see figure 3);

determine whether the first data pulses indicate; (see figure 3);

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selectively outputting second data pulses in response to the first data pulses, wherein the second data pulses are output if the second data source/sink operates in accordance with the first communication protocol capability (see details of figure 5); and

preventing output of the second data pulses if the second data source/sink does not operation in accordance wit the first communication protocol capability (see ACK signal of figure 3).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and

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potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 30, 33-39 and 42-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al in view of Spinney et al. (5,305,306).

Yang et al disclose all the subject matter of the claimed invention with the exception of the information being stored in a table and data being video, telephone, token, ethernet, or non-ethernet data in a communications network. Spinney et al from the same or similar field of endeavor teaches a provision of video data, telephone data, token ring data, ethernet or non-ethernet data, x.25, or FDDI data and star topology, (see figure 1a, 4 and column 3, lines 1-34). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the video, telephone, token, ethernet or non-ethernet data and ring topology, star topology or non-star topology or taught by Spinney et al in the communications network of Yang et al for the purpose using multi-type protocols in the network and makes the system more flexible.

5. Claims 1-13 and 16-28 are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sambamurthy et

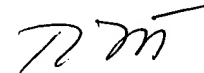
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al. ((5,648,956) and (5,504,738)) and Maxwell et al. (4,771,417) are all cited to show apparatus and method for full-duplex ethernet communications which are considered pertinent to the claimed invention.

7. Any inquiry concerning this communication should be directed to Dang Ton at telephone number (703) 305-4739.

DT/ayc

January 19, 2000



**DANG TON
PRIMARY EXAMINER**